

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>RUSSELL WRIGHT,</b>	)	
	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>1:05CV00558</b>
<b>v.</b>	)	<b>1:97CR226-2</b>
	)	<b>1:97CR231-2</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

**J-U-D-G-M-E-N-T**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 21, 2005, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Petitioner's "Rule 60(b)" motion [Pleading No. 1] be construed as an attempt by Petitioner to file a § 2255 action and be dismissed without prejudice to Petitioner filing a new action on the proper forms.

This the day of December 20, 2005

/s/ N. Carlton Tilley, Jr.  
United States District Judge